

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

DAVID HENRY PINCKNEY,

Plaintiff,

v.

SOMERSET PROBATION C.S.  
ENFORCEMENT,

Defendant.

Civil Action No. 24-5681 (RK) (RLS)

**MEMORANDUM ORDER**

**KIRSCH, District Judge**

**THIS MATTER**, having come before the Court upon the review of its docket; and

**WHEREAS**, on July 12, 2024, the Court granted *pro se* Plaintiff David Henry Pincney's ("Plaintiff") application to proceed *in forma pauperis*, (ECF No. 1-2), and dismissed Plaintiff's Complaint, (ECF No. 1), without prejudice pursuant to 28 U.S.C. § 1915(e), (ECF No. 4); and

**WHEREAS**, the Court permitted Plaintiff to file an amended complaint within thirty (30) days, (ECF No. 4); and

**WHEREAS**, the Court advised Plaintiff that if he chose not to file an amended complaint, the matter would be dismissed with prejudice, (ECF No. 4); and

**WHEREAS**, on July 26, 2024, Plaintiff filed an amended complaint that made allegations identical to those made in the prior dismissed Complaint but that included documentation supporting those allegations, (ECF No. 5), which the Court had previously deemed insufficient; and

**WHEREAS**, on August 5, 2024, Plaintiff filed a letter stating that he intended to "withdraw submission 24-cv-5681," (ECF No. 6); and

**WHEREAS**, Federal Rule of Civil Procedure 41(a)(1)(A) permits a plaintiff to “dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment”;

**WHEREAS**, the Court interprets Plaintiff’s filing at Docket Entry 6 as an attempt to dismiss this matter pursuant to Rule 41(a).

Therefore, **IT IS** on this 8<sup>th</sup> day of August, 2024,

**ORDERED** that the current action is hereby **DISMISSED WITHOUT PREJUDICE**;  
and it is further

**ORDERED** that the Clerk of the Court is hereby instructed to **CLOSE THIS MATTER**.



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**ROBERT KIRSCH**  
**UNITED STATES DISTRICT JUDGE**